

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 2013

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. 2013 - _____

RESOLUTION REGARDING A VESTED RIGHT TO COMPLETE SITE PREPARATION,
PLANTING, OR SALE OF PRODUCT UNDER ORDINANCE NO. 3246

The following resolution is now hereby offered and read:

WHEREAS, Ordinance No. 3246 became effective on August 27, 2013 and imposed new legal limitations and prohibitions on production agricultural activity that was previously unregulated by County ordinance; and

WHEREAS, in adopting the Ordinance the Board recognized that agriculturalists subject to the Ordinance may have begun substantial site work and incurred substantial liabilities in detrimental reliance upon the lack of any needed approval in the pre-Ordinance environment; and

WHEREAS, the Ordinance contains certain exemptions, including an exemption creating a limited vested right to complete the installation of new irrigated crops where satisfactory evidence can be provided that, prior to the effective date of the Ordinance, an applicant has secured such a vested right to complete site preparation, planting, or sale of product; and

WHEREAS, in order to better implement the Ordinance and based on the advice of its County Counsel, the Board of Supervisors wishes to direct its staff regarding the appropriate application of the vested right exemption in Ordinance No. 3246.

NOW THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, in a regular meeting assembled on the _____ day of _____, 2013, that:

County staff shall use the following procedure when presented with a request for an Ordinance 3246 vested right determination:

1. Satisfactory evidence that an applicant has secured a vested right to complete site preparation, planting, or sale of product, as described in Section 6.A.4 of Ordinance 3246, consists of evidence that the vested area intended to be planted was fully capable of being planted with its intended crop and meets all of the following requirements and time limitations:

- a. 100 percent of the area intended to be planted was prepared for planting prior to August 27, 2013, including all of the following: (1) evidence that the area that is intended to be planted has been disked or tilled, (2) if the crops are intended to grow in rows, the rows have been surveyed and staked or clearly identified, and (3) fencing required to maintain the crop has been installed; and
- b. All wells and at least 50 percent of the irrigation infrastructure required to supply water to the area intended to be planted (such as tank, pumps, underground piping) were installed as of August 27, 2013; and
- c. As of August 27, 2013, either (1) the plants intended to be planted (i.e. rootstock) were delivered to the applicant, or (2) the applicant was contractually obligated to accept future delivery of the plants intended to be planted and all contractual conditions precedent to accepting future delivery of said plants were satisfied.

2. Persons or organizations wishing to rely on the exemption described in Section 6.A.4 of Ordinance No. 3246 to establish new or expanded irrigated crop production, and/or to convert dry farm or grazing land to new irrigated crop production, will provide the evidence described in Section 1 above to the Director of Planning and Building prior to establishment of, and/or conversion of dry farm or grazing land for, new irrigated crop production, who will review the evidence submitted and render a written decision.

3. Any aggrieved person may appeal the decision of the Director of Planning and Building described in Section 2 above directly to the Board of Supervisors using the procedures otherwise set forth for appeals to the Planning Commission in Subsection 22.70.050.A of the Land Use Ordinance, Title 22 of the County Code.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES: Supervisors

NOES:

ABSENT:

ABSTAINING:

The foregoing resolution is hereby adopted.

Chairperson of the Board of Supervisors
of the County of San Luis Obispo,
State of California

ATTEST

County Clerk and Ex-Officio Clerk
of the Board of Supervisors,
County of San Luis Obispo,
State of California

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: 
Deputy County Counsel

Dated: September 19, 2013